

REMARKS

Claim Objections

Claims 1-31 have been objected to for various formal reasons. Applicants have amended the claims to address the Examiner's concerns and thereby expedite prosecution. If the Examiner deems these amendments to be inadequate, further clarification of the grounds of objection is respectfully requested.

Applicants' Claimed Invention

Applicants' claims feature power toothbrushes, heads for power toothbrushes, and methods of using power toothbrushes. The power toothbrushes and power toothbrush heads include a combination of features that renders them particularly appealing to consumers and useful in cleaning the teeth. The heads include a support member, a top surface of which has an elongated (i.e., long relative to its width) shape, carrying bristles that have a desirable contour. A lower portion of the support member is configured to extend from the neck of a power toothbrush in a manner so that a major axis of the elongated shape will be positioned generally parallel to a long axis of a handle of the power toothbrush (as shown, e.g., in Fig. 2 of Applicants' application). As a result, when the toothbrush head is oscillated by a motor of the toothbrush, the elongated support member pivots about a normal position in which its major axis is generally parallel to the user's gumline. This positioning is comfortable to the user, minimizing the sense that the head is overly large or bulky, while allowing the use of a relatively large (long) head.

Rejections Under 35 U.S.C. 102

Claims 1, 25, 32-33, and various dependent claims have been rejected under 35 U.S.C. 102(b) as being anticipated by Driesen or Kressner. (Office Action, paragraphs 3 and 4.) These rejections are respectfully traversed. It is axiomatic that, to anticipate a claim, a reference must teach each and every element of the claim. The Examiner asserts that Driesen and Kressner both

teach an elongated support member. This is not correct. Both references teach only circular support members (support members having a circular top surface.) Applicants have amended claims 1, 25 and 32-33 to clarify that it is the top surface of the support member that is elongated, and further to recite that the elongated shape is selected from a specific group of shapes, i.e., elliptical, oval and rounded diamond. These limitations are clearly not met by either Driesen or Kressner. A circular shape by definition cannot be elongated, since a circle is a shape the circumference of which is everywhere equidistant from its center, and thus Applicants respectfully request that these rejections be withdrawn.

Claims 1, 4, 25, 32-33, and various dependent claims, have been rejected under 35 U.S.C. 102(e) as being anticipated by Brown. (Office Action, paragraph 8.) As in the rejections discussed above, the Examiner asserts that Brown teaches an elongated support member. However, there is no teaching or suggestion in Brown of a support member having an elongated top surface. Thus, Applicants respectfully request that this rejection be withdrawn.

Claims 1, 4, 32, and various dependent claims, have been rejected under 35 U.S.C. 102(b) as being anticipated by Ernest. (Office Action, paragraph 9.) Applicants respectfully request that this rejection be withdrawn in view of the amendments to these claims. Ernest does not described a head having a support member a lower portion of which is constructed so that, when the head is mounted on a power toothbrush, a major axis of the elongated shape will be positioned generally parallel to a long axis of a handle of the power toothbrush. Instead, the head of the Ernest toothbrush has a major axis that is positioned generally perpendicular to the long axis of the handle (see Figs. 10 and 11).

Various claims have been rejected as anticipated by Shipp or Hudson or Millar. (Office Action, paragraphs 5-7.) Applicants respectfully request that these rejections be withdrawn in view of the amendments to these claims. Each of these references is directed to a manual toothbrush. There is no teaching or suggestion that the heads described be used on a power toothbrush, nor any indication that the heads would be suitable for such use. Applicant has amended the claims to more clearly recite that the claimed toothbrush heads are constructed to be mounted on a power toothbrush. For example, the toothbrushes described by Shipp, Hudson and

Millar do not include a support member having a lower portion constructed to be oscillated by a drive mechanism of the power toothbrush.

Rejections Under 35 U.S.C. 103

Claim 15 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Millar and Shipp. Claim 15 depends from claim 1, and thus is patentable for at least the reasons discussed above.

Claims 25, 27-28 and 30 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kott in view of Millar. Applicants respectfully request that this rejection be withdrawn. Even if the teachings of Kott can be properly combined with those of Millar, which is not conceded, such a combination would nonetheless not have led to the combination of features recited in Applicants' amended claims. For example, Kott describes a powered toothbrush in which an entire toothbrush 21 is received in a tubular handle that includes a power actuator for "oscillating" the entire toothbrush 21. Thus, the toothbrush 21 does not include a head that is oscillated relative to a neck of the toothbrush. This deficiency is not overcome by Millar, which describes a manual toothbrush.

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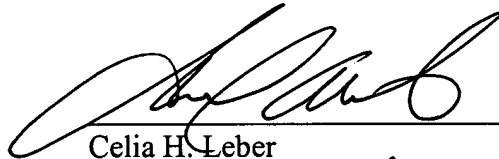
Attorney's Docket No.: 00216-616001 / OB-211

Conclusion

Enclosed is a \$120 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 00216-616001.

Respectfully submitted,

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